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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,476	12/18/2001	Jonah Shacknai	00-40175-US-P	4300

7590 08/25/2004

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EXAMINER

LEVY, NEIL S

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,476

Applicant(s)

SHACKNAI ET AL.

Examiner

Neil Levy

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/3/04
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 10, 12-117 is/are pending in the application.
- 4a) Of the above claim(s) 1, 9, 13, 15, 20, 21, 24-27, 430-115 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8, 10, 12, 14, 16-19, 22, 23, 28, 29 + 116, 117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1, 10, 12-117 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claims 4, 9, 13, 15, 20, 21, 24-27, 30-115 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions not cleanser and species (gum and sodium sulfacetamide), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/3/04.

The 112 rejections are withdrawn, in consideration of amendment, and remarks and declaration of Patel; for the record, and example of 5 derivatives examiner believes to be caustic is provided by Merck – Strioxide & to Dreisback – Sderivatives.

Claims 1, 2, 5-8, 10, 12, 14, 17, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki – JP 3002124.

The rejection of record is maintained.

The method steps are disclosed; mites not be present, as there is no limitation in the claim body specifying the argued for excess, or infestation – the claimed step is shown by Suzuki.

Claims 1-3, 10-12, 14, 17, 18 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Marry '73).

The rejection of record is maintained, as above.

Claim 10-12, 14, 17-24, 26, 28, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhagwat et al by 6429231.

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The rejection of record is maintained, as at Suzuki.

Claims 1-3, 5-8, 10-12, 14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki or Marry in view of Bonner et al '93, line at all '88 and Kligman -4752472.

The rejection of record is maintained.

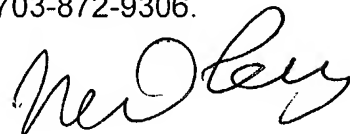
Claims 1-3, 10, 14, 16-19, 28, 29, 116, 117 are rejected under 35 U.S.C. 102(b) as being anticipated by Milks – 1949.

See p.553-560, for may S mixtures for mite control, - see Ex. 3, 8, P.555, and top p. 556. The claims are not to Humans, the rejections of record are maintained.

Applicant's arguments filed on 8/3/04 have been fully considered but they are not persuasive. Applicant argues the prior art fails to show mite treatment, but argues mites are always present. Examiner finds the claimed methods are of the instant invention; application to skin of 5 and derivatives.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Levy whose telephone number is (571) 272-0619. The examiner can normally be reached on Tuesday through Friday 7 AM to 5:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gray Kunz can be reached on (571) 272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



NEIL S. LEVY  
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Levy/LR  
August 13, 2004



NEIL S. LEVY  
PRIMARY EXAMINER